

## **NOISE COMPLAINTS**

### **The Problem:**

Excessive noise, whether from a vehicle, construction, a residence, or even a barking dog are a nuisance and annoying to residents of the community. Excessive noise violations may see results from just being annoying to others in the neighborhood to road rage or neighborhood disputes.

Several types of excessive noise concerns are addressed in the Sturgis City Ordinance as well as under various state laws. We've tried to list some of the more common concerns and the applicable laws addressing those areas. For a more complete list see the City of Sturgis website and click on City Ordinances under the Information tab.

### **Exceptions under City Ordinance:**

None of the prohibitions contained in this article shall apply to or be enforced against:

- (1) Any authorized police, fire or emergency vehicle when responding to an emergency call or performing normal duties or when testing police, fire or emergency vehicles in the course of performing, normal duties.
- (2) Necessary excavations or repairs of streets or highways by or on behalf of the city, county or state during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day;
- (3) The reasonable use of stationary amplifiers or loud speakers in the course of public addresses which are noncommercial in character

### **Sec. 34-62. General Noise Restrictions.**

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the limits of the city, including, but not limited to the noises enumerated in this article.

### **Sec. 34-63. Horns and signal devices.**

The sound of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or to give warning of intent to get under motion, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary or unreasonable period of time is unlawful.

### **Sec. 34-64. Musical instruments; electronically amplified sound.**

It shall be unlawful to play any musical instrument or allow any electrically or electronically produced, reproduced or amplified sound to emanate from any place or premises between the hours of **11:00 p.m. and 7:00 a.m.**, so as to be **heard more than 100 feet from the property line** of such place or premises or so as to annoy or disturb the quiet, comfort or repose of persons in any office, dwelling or other residence, or other place of employment or repose. This section shall not be applicable to community events approved by resolution of the city commission or by the city manager.

#### **Sec. 34-65. Shouting and whistling.**

Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public streets, between the hours of **11:00 p.m. and 7:00 a.m.**, or the making of any such noise at any time so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, motel or other type of residence, or of any person in the vicinity is unlawful.

#### **Sec. 34-67. Animal and bird noises.**

The keeping of any animal or bird which, by causing loud, frequent or habitual noise, shall disturb the comfort or repose of any person or which causes a serious annoyance to the neighborhood is unlawful.

#### **Sec. 34-69. Engine exhaust.**

The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device which effectively prevents loud engine noises therefrom is unlawful.

#### **Sec. 34-70. Construction noises.**

The erection (including excavating), demolition, alteration or repair of any building, or the excavation of streets and highways, other than between the hours of **7:00 a.m. and 6:00 p.m.**, unless a permit is first obtained from the city is unlawful.

#### **Sec. 34-71. Handling merchandise.**

The creating of a loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers is unlawful.

#### **Sec. 34-73. Noise or commotion in vehicles.**

To make a commotion or make unnecessarily loud noises in vehicles, whereby the peace and good order of the neighborhood is disturbed, or persons owning or occupying property in the neighborhood are disturbed or annoyed is unlawful.

#### **Sec. 34-74. Sound system in parked or moving motor vehicle.**

No person operating or in control of a parked or moving motor vehicle, including motorcycles and mopeds, shall operate or permit the operation of an electronically-amplified sound system in or about the vehicle so as to produce sound that is clearly audible at a distance of **50 feet from the vehicle between the hours of 7:00 a.m. and 11:00 p.m.**, or clearly audible at a distance of **25 feet from the vehicle between the hours of 11:00 p.m. and 7:00 a.m.**

#### **Sec. 38-122. Disturbing the peace.**

(a) It shall be unlawful for any person or persons to create or assist in creating a noise or disturbance which tends to destroy peace and good order.

(b) Whoever violates this section shall, upon finding of responsibility for a civil infraction, be fined upon the sum of \$100.00

#### **Sec. 38-121. Disorderly persons.**

Any person who incites, encourages, participates in, is engaged in or is connected with any rout, riot, affray, fight, brawl, tumult, disorder or unlawful assembly; or any person who roughly crowds, jostles, strikes, commits an assault or an assault and battery upon another; or who makes or assists in making any noise or disturbance which tends to destroy peace and good

order; or who is engaged in an illegal occupation or business; or who is intoxicated in a public place and who is either endangering directly the safety of another person or of property or who is acting in a manner that cause a public disturbance; or who is engaged in any indecent or obscene conduct, exposure of their person, or who uses indecent, immoral or profane language, either in the presence or hearing of women or children, or in any public place; or who goes upon the premises of a private residence and looks into the windows; or who fails to obey any lawful order of a police officer shall be guilty of an offense.